

## **REMARKS**

Claims 1-17 are pending in this instant application. Restriction is required by the Examiner under 35 U.S.C. 121 and 372. The Office Action alleges that claimed inventions (Group I, II and III) are not related to a single general inventive concept under PCT Rule 13.1 and 13.2 because they lack the same or corresponding special technical features.

### **Restriction Requirement:**

In response, Applicants traverse the restriction requirement as improper because the groups of claims I-III have a definable technical feature, namely, the molecule SNAIP of claim 1. Under PCT Rule 13.1, 13.2 and the Examination guidelines set forth in MPEP § 1893.03 (d) and MPEP § 1850, “a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.” All three groups claimed the methods related to SNAIP, a novel neuroprotectant. Moreover, Groups I and II claim a method of “contacting neuronal cells with (Claim 1 and Claim 11) and without (Claim 11) SNAIP”. Clearly, there is a technical relationship among inventions. Therefore, Applicants respectfully request that the restriction requirement set forth in the Action, be withdrawn.

### **Election Requirement:**

Applicant provisionally elect DNA damage-inducible genes (GADDs) of Claim 4, 3 nitrotyrosine (3-NT) of Claim 6, and Alzheimer’s disease of Claim 15 to comply the Examiner’s election requirement.

In addition to Restriction Requirement, the Office Action also require species election. It alleges that “these species are deemed to lack unity if invention because they are not linked as to form a single general inventive concept under PCT Rule 13.1” . Applicants dispute above allegation. Applicants fully understand that “applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits”, but not for the reason of “lack unity”.

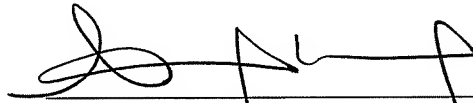
Applicants respectively point out that Claim 5 and 6 only claim a particular marker, 3-NT.

**Conclusion:**

In view of the foregoing remarks, Applicants respectfully request that the election/restriction requirement set forth in the Action, be withdrawn.

Applicants believe that no fee is due. However, the Commissioner is authorized to charge any fee or credit any overpayment necessitated by this response to Deposit Account No. 18-1982 in the name of sanofi-aventis Inc.

Respectfully submitted,

  
\_\_\_\_\_  
Xuhong Sunny Wang, Reg. No. 54524  
Patent Agent for Applicant

sanofi-aventis Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807  
Telephone (908) 231-3648  
Telefax (908) 231-2626

Docket No. DEAV2001/0173 US PCT